17 cont.

COMMENTS OF R. B. DAVIS AT
EPA/PCB/RAMP MEETING IN FAIRHAVEN
OCTOBER 25, 1984

SDMS NEW BEDF
Exhibit 46
Object 22691

ATTACHMENT 1

Prefatory Note:

In order to provide some basis to what I said, the omission in reporting, let me state what I testified at the hearing. The testimony was limited to 15 minutes, but because of my testimony, I spoke beyond, permission of the Chair.

Oral Comments:

Before proceeding with my main point RAMP, the scope of the EPA for remedial action, should be amended to include complete remedial consideration rather than be limited to cleanup. Hence surface water flow or runoff and the treatment plant should be considered. The former to minimize untreated input into the river to create turbulence, and the latter not because of discharge levels (which may well be low, though not insignificant since a low contribution to an elevated harbor sediment base is significant), but because it is the opinion of a number of locals familiar with the plant that it may not be able to withstand a tidal hurricane similar to 1938. Hence before any extensive modifications are made to the plant, this assessment should be made. A geophysicist who made an assessment of the city for the SPR (strategic petroleum reserve) said the Fort Rodman area had adequate stone for such a facility. This would only be done, not to fund from Superfund, but to assess and then provide direction to other funding agencies.

I also mentioned that I gave the same talk before the EPA's initiated citizens' group, Coalition to Save the Bay, and it took about an hour plus to deliver. I would try to scale the talk within the 15 minutes.

To dredge and determine remedial action, it must be put in the context of health, the overriding priority. The area of significance is the Bay, for it is here where you have the common consumption of marine life. Based on the literature, elevated levels of PCBs come about by frequent intake of fish, not occasionally eating marine life, whether that life be over the limit or not. The more eaten and the longer eaten, the higher the elevated level, regardless of the level in the fish. It can be misleading to say the fish are under the limit for this can encourage the frequency that is toxicologically significant. Hence levels in Clarks Cove, though low, at 1 ppm or about 0.5 ppm under the limit of 2 ppm, are toxicologically significant since the area is a high use area.

For elevated levels, we can talk of a risk category. The inner harbor is an industrial river, and it has never been an area of common consumption. For the most part, this does not occur. The prime area of consideration is the Bay, and hence the transit point from the inner harbor to the Bay is significant, namely the Hurricane Barrier (HB).

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Based on sediment levels in the Bay, on an absolute scale, they are not high, about 2 ppm±. Compared to other exposed areas, they are low, and for the category of PCB sediment levels, on the low side. But in terms of marine uptake available to humans, they are correlatively high since marine life is at elevated levels.

Based on data at the HB, the levels are about the same for the Bay, 2 ppm. Every 5 years, the Corps has to clean the gates. This is an accumulation of sediment flow and a good index of flow-though. Though not specifying direction of flow as the source of contribution, a net exchange is inevitable, and even if lower, it still is of toxicological significance since marine uptake will occur and hence frequency of intake will mean elevated levels in humans.

Consequently, the whole IH is significant as a source of remedial action. If one compares the area south of Coggeshall Street to the HB, the Southern area, to the area North (Hot Spot area), it is 4 x greater. PCBs are not like earthworms. They migrate from the surface, and thus given a surface area 4 x the northern area, they are greater or significant as a feeder through the HB, in particular since it faces the HB.

Further, there exists inordinate levels of heavy metals, unlike the Northern area. Also, unlike the Northern area, there exists extensive vessel activity with shallow depths for the vessels on the Fairhaven side, as well as in the channel for tanker traffic, since occasionally they enter on the tidal cycle, to offload their fuel. Hence you have a problem of turbulence.

The analysis of the EPA for remedial action is too shortsighted by not analyzing the full capacity of the Northern area, in particular, for the total needs of the IH. Due consideration for the Southern area was not given, and the accommodation of the schemes for it. One method did but not sufficiently.

Based on calculations of areas in IH, assuming a 3 ft. depth as the limit of PCBs (their recommendation), 3 schemes (configurations) in the Northern area were illustrated to note the space required. They varied in depth, with 28' appearing of more significance. This entailed a rectangle over about 3/4 of the river bottom.

What it shows is the site can accommodate the spoils of the IH if the depth to bedrock is over 30' and if PCBs taper off past 3'. Further, the adjacent land on the east side provides additional and sizeable space so variants are permitted. It should be noted that the Riverside Cove has already been tested for depths to bedrock, and they do measure 30'. However, the bedrock would appear to be highly faulted. This is based on the geophysicist's analysis, and specifically, in view of his visit to the Acushnet gravel pit, which is of extreme depth, and permitted him to assess the integrity of the stone in the vicinity.

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This raises a question about filtration into the stone and based on Gidley's remarks, a flow into the Fairhaven aquifers. I also pointed out that any cleanup must consider all pollutants, and again based on Gidley, there is a question if those contaminants terminate at 3'.

The last alternative would be to pick up (the spoils of the southern area) and lay on top of the Northern area, somewhat similar to one of the EPA proposals. I did not go into this in detail, but it may be more practical and less costly than the other means though the historic relationships of the three communities would be substantially altered.

I also noted some variation and interplay could be made, but for either of the methods, there may be entailed the displacement of clean material to make space for the spoils.

I then noted via maps that the landfill could be extended, that there was also acreage at the Airport off Shawmut Avenue that could be used. The acreage would be adequate to account for an equivalent volume of the southern area to be displaced to the Northern area.

I noted that the approach of the EPA is too fragmented, too much the slot method. The issue has to be viewed comprehensively and thus proceed in an integrated manner. There is an opportunity to work with and help the City to improve and meet needs. The remedial plan talks of removing the retaining basin to be used for transferring and treating contaminated materials. It should be retained and used as a collecting basin for surface water runoff.

It was about this time the Chair told me I had two minutes left.

I noted that I wanted to level with the EPA. And though I praised them for their effort and apparent commitment to clean up the northern area, nonetheless, a substantial criticism would be made of their procedures and handling of the issue. For irreparable damage has been done to the community. I spoke of a failure of government to a people and if anybody is going to eat crow, then it is you, or me, but not the people. As I told Mr. Sotolongo (EPA) a long time ago of the coming criticism, it exists, and in documents at City Hall. They are official documents. For want of a perspective, for want of pointing out the toxicological significance. At this point Mr. Sotolongo voiced an objection about having to work with levels as cut-off points. I added that I understood, that you have to work with bounds, but the meaning and significance has to be communicated. It has not.

Thus, there is no harm with walking on Sullivan's Ledge, and you know it, since it is frequency of exposure that leads to elevated levels (strictly speaking, more elevated, for there is a common elevation in most areas in cities in the Northeast. This is significant). Thus the mother whose son was at SL need not worry. The basis for this is with capacitor workers and their exposure.

* NOT TO exclude the MEDIA. SAID at meeting but NOT TRANSCRIBED IN HANDWRITTEN submission.

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(I might note that though elevation may raise a question to consider a risk category, these are maybes, and may not be, the latter being likely. A recent review by NIOSH of most of the major studies of capacitor plants which have relatively much higher levels concluded—rule of thumb: no harm. It is important to note there exists a common elevation (not unique to NB), and whether this is also an index to anticipate effects relative to a higher elevation has not been determined, pro or con, though one can assess a likelihood of no harm for the common elevation and thus it can be argued, a fortiori, the same for the higher. More on this another time.)*

It was about this time my 15 minutes were up.

The Chair told me I could continue provided (caveat) no other speakers were forthcoming.

The Chair offered to come down and let me resume the talk. I said it was not necessary. I said I had to look through the flip charts and review the material. However, I wanted to conclude now, and later, after looking through the material decide, since it was a month ago I last did so. The panel stayed on the stage.

I then mentioned that any alteration of the historic divide between communities should entail a decision by the communities to accept them. Whether statutorily this can be permitted I did not know, but the EPA should solicit, and solicit extensively for the view of the communities since they would have to live with it. And by communities I meant the local officials.

Later, at the evening session, after all had spoken, I raised my hand to speak. The Chair permitted me but with the caveat of before.

I noted to the Chair he had turned the flip chart around (it was no longer facing the audience: it had three bold captions) and said that though the audience couldn't see it, at least it was for view to the panel. The Chair said he moved it for it would block the view. If I wanted they would come down and view the presentation. I said it was not necessary for I wanted to limit my talk to the main point. But I said I'd like to present them the whole talk from the charts (up in Boston or before the Task Force): which consists of:

I NB Data in Context

II Cleanup

III Needs and Recommendations

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* Not said at hearing. But quoted at public lecture. No press there. A fatal murder on Cuttyhunk prevented ST attendence. No more murders, but no inquiry either.

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It would take 3 hours ±. (The purpose of the presentation is to brief to the point where the viewer can make a critical decision about what to do.) I note a Woods Hole researcher interviewed me (a whole day), and I went through the presentation. She thought it was excellent and beneficial.

I again talked of the need to consider the cleanup of the Southern area in terms of the north. I noted that it consists of 4 million cu. yds., compared to 1 in the north, and based on the consultant's estimate of $10 mill per 1 mill yds., the cost, now or later, except through the effects of inflation, are constant to dredge to the shoreline. Since the State's view is not to place chemicals of the type in a State landfill (Ma due to its geography (groundwater sources) is not qualified as a site) and thus any material must be taken out of State (comments of State official at hearing), then the question arises, where can it be put? Only in the Northern area. If not there, then the admission has to be made the cleanup of the southern area is <u>not</u> feasible. And I said, you know it too.

I then repeated my point about the need for representative government at the local level to decide the solution, since it would affect their boundaries, and they would have to live with it. I might note that before, I said this would be to the advantage of the EPA, for it would take a burden away from them. That is about what I said. I did have oral comments, written to be read, of about 30 pages, but obviously the format precluded such. Though I am appreciative of the EPA permitting me to speak at length, as I said to the Chair, just as I am not here to hear myself speak but out of obligation, they have an obligation to hear all—not singly caveats. Not for this issue. The format should not dictate input, especially given the limited past input.

In respect to extending the NB landfill, I noted the need to file special legislation (be ready to do such), since the 80 acres are wetlands. But I also noted their natural function, when removed, would only negligibly affect the area. Also, the 80 acres are minuscule given the greater area as a surface watershed, of which the City has deeded over 2000 acres for conservation. I said also at the meeting, and I said it at the Task Force, you have to be prepared to accept some losses.

The overriding criteria is health, and as such, it governs and thus regulates the lesser statutes, certainly lesser matters. It is my view, the order of things, data ordered as well as remedial schemes, has not been observed and been subordinated in terms of the public welfare.

Amen*

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* Note, the above transcript was from memory, and thus is imprecise. Also, some material has been included (statements) to make the matter readable, as well as making explicit implications.

Above comments of R. B. Davis, formerly City Planner, New Bedford, Massachusetts.